

# Government Administration, Rules, Ethics & Audit

## Final Agenda

## Louisville Metro Council

**Meeting Date:** 05/15/2006

**Meeting Time:** 4:00 PM

**Location:** Third Floor, City Hall

**Chairs:** James Peden (23)

**Members:** Barbara Shanklin (2)  
Cheri Bryant Hamilton (5)  
Rick Blackwell (12)  
Robert Henderson (14)  
Glen Stuckel (17)  
Robin Engel (22)  
James Peden (23)

**Special  
Items for  
Discussion:**

THIS MEETING HAS BEEN CANCELLED

- 1 [O-22-02-06](#) AN ORDINANCE AMENDING SECTIONS 97.076, 97.999, 112.01 AND 112.99 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES ("LMCO") AND ADDING LMCO SECTION 97.078 REGARDING THE PLACEMENT OF SIGNS IN PUBLIC RIGHT-OF-WAYS. (AS AMENDED)  
[Sponsor\(s\)](#) [Government Administration, Rules, Ethics & Audit](#)
- 2 [O-41-02-06](#) AN ORDINANCE CREATING AN ANIMAL WELFARE/CONTROL ADVISORY BOARD. (TABLED)  
[Sponsor\(s\)](#) [Government Administration, Rules, Ethics & Audit](#)
- 3 [O-231-11-05](#) AN ORDINANCE AMENDING SECTIONS 91.001 AND 91.999; AND ADDING NEW SECTIONS 91.0201, 91.0202, 91.0203, 91.0204,

91.0205 AND 91.0206 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO THE REGISTRATION, LICENSING, ENCLOSURE, AND RESTRAINT OF PIT BULL DOGS AND ROTTWEILER DOGS; REQUIRING OWNERS TO MAINTAIN INSURANCE; AND PRESCRIBING PENALTIES FOR VIOLATIONS. (TABLED)

[Sponsor\(s\)](#)

[Government Administration, Rules, Ethics & Audit](#)

ORDINANCE NO. \_\_\_\_\_, SERIES 2006

AN ORDINANCE AMENDING SECTIONS 97.076, 97.999, 112.01 AND 112.99 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES ("LMCO") AND ADDING LMCO SECTION 97.078 REGARDING THE PLACEMENT OF SIGNS IN PUBLIC RIGHT-OF-WAYS (AS AMENDED).

Sponsored by: Rick Blackwell, District 12

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I. LMCO Section 97.076 is hereby amended to read as follows:

**§ 97.076 OBSTRUCTIONS REGULATED.**

(A) *Permit.* No person shall place, construct, or maintain within the right-of-way of any public way of Louisville Metro any sign, notice, card, handbill, advertisement, object, structure, sidewalk, entrance way, driveway, or other installation, except as otherwise permitted by ordinance of the Metro Government, without obtaining a written permit to do so from the Works Director.

(B) *Regulations.* The Works Director is authorized to establish reasonable rules and regulations governing the placement, erection and maintenance of such signs, notices, cards, handbills, advertisements, objects, structures, and installations in such right-of-way.

(C) *Responsible Party.* For purposes of this section, it may be rebuttably presumed that the owner, manager, distributor, sales associate, as defined in KRS 324.010, or responsible party of any business, product, or service, which is the subject of a sign, notice, card, handbill, advertisement,

object or other structure has caused the sign, handbill, notice, advertisement, object or other structure to be placed within the public right-of-way.

**SECTION II.** A new LMCO Section 97.078 is hereby added as follows:

**§ 97.078 ENFORCEMENT.**

The Louisville Metro Public Works Department shall have authority to issue notices and citations for violations of Sections 97.070 through 97.077.

**SECTION III.** A new subsection (G) of LMCO Section 97.999 is hereby added as follows:

(G) For purposes of Section 97.076, each sign, notice, card, handbill, advertisement, object or structure placed within the public right-of-way shall constitute a separate offense.

**SECTION IV.** LMCO Section 112.01 is hereby amended to read as follows:

**§ 112.01 POSTING HANDBILLS OR SIGNS ON PUBLIC PROPERTY PROHIBITED.**

(A) No person shall paint, mark or write on, or place, post or otherwise affix any sign, notice, card, handbill or advertisement in a public right-of-way, or to or upon any public sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone pole, or wire appurtenance thereof, or upon any fixture of the fire alarm system, or upon any lighting system, public bridge, street sign, traffic sign, or other official sign of governmental or safety purpose, without obtaining a written

permit to do so from the Works Director. **PERSON** may extend, and be applied to, bodies politic, corporations and corporate societies, communities, the public generally, individuals, partnerships, limited liability companies and joint stock companies. In addition, for purposes of this section, it may be rebuttably presumed that the owner, manager, distributor, sales associate, as defined in KRS 324.010, or responsible party of any business, product, service, which is the subject of a sign, notice, card, handbill, or advertisement has caused the sign, handbill, notice, or advertisement to be placed within the public right-of-way, or to or upon a public sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone pole or wire appurtenance thereof, or upon any lighting system, public bridge, street sign, traffic sign, or other official sign of governmental or safety purpose.

(B) The Louisville Metro Public Works Department shall have authority to issue notices and citations for violations of this Section.

**SECTION V.** LMCO Section 112.99 (B) is hereby amended to read as follows:

(B) ~~Any person found guilty of violating § 112.01 of this chapter shall be fined not less than \$10 nor more than \$50 per violation, and also shall be liable for any cost incurred by the Metro Government or any agency thereof as a result of such violation. But in no event shall such cost exceed \$100 per violation. A~~ violation of Section 112.01 shall be classified as a civil offense and shall be enforced by the Code Enforcement Board ("Board"), as provided in §§ 32.275 through 32.291, or as they may be amended. Penalties relating to multiple

offenses shall be imposed when a person previously has been determined by the Board to have committed such violation(s). The date of determination of commission of multiple offenses shall be the date that the person is charged with commission of the violation.

(1) Any responsible party failing to comply with Section 112.01 shall be subject to the following monetary penalty schedule:

(a) Not less than \$100, nor more than \$250 for a first offense;

(b) Not less than \$250, nor more than \$500 for a second offense committed within a two-year period;

(c) Not less than \$500, nor more than \$1,000 for a third offense committed within a three-year period.

(2) Each sign, notice, card, handbill or advertisement placed within the public right-of-way, or to or upon a public sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone pole or wire appurtenance thereof, or upon any lighting system, public bridge, street sign, traffic sign, or other official sign of governmental or safety purpose shall constitute a separate offense.

**SECTION VI.** This Ordinance shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Kevin J. Kramer  
President of the Metro Council

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Jerry E. Abramson  
Mayor

Approved:\_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**  
Irv Maze  
Jefferson County Attorney

BY:\_\_\_\_\_  
Draft 4 epm 02132006 10:55 a.m.

Ordinance No. \_\_\_\_\_, Series 2006

**AN ORDINANCE CREATING AN ANIMAL  
WELFARE/CONTROL ADVISORY BOARD.**

**Sponsored By: Councilman Ken Fleming 7<sup>th</sup> District**

**NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS  
FOLLOWS:**

**SECTION I.** A new section of the Louisville/Jefferson County Metro Government Code  
of Ordinances is hereby created as follows:

**ANIMAL WELFARE/CONTROL ADVISORY BOARD**

**A.** There is hereby created an Animal Welfare/Control Advisory Board ( the “Board”) for  
the purpose of:

- 1) studying best practices in the area of animal welfare and control; and
- 2) identifying and assessing community needs; and
- 3) developing public/private partnerships; and
- 4) seeking resources and appropriate public/private funding sources; and
- 5) providing leadership and knowledge to develop and make comprehensive  
plans; and
- 6) assisting Metro Government with community awareness.

**B.** The Board shall be composed of nine (9) members who shall be appointed or  
designated as follows:

- 1) The Mayor shall appoint six (6) members whose qualifications shall be as  
follows:



a) One (1) member who is also a member of the Louisville Veterinary Medical Association who shall have experience in providing care to animals and with animal control issues;

b) Three (3) members who are residents of Jefferson County, Kentucky;

c) Two (2) members recommended by animal welfare or control organizations within Jefferson County, Kentucky, except that these two members shall not be members of the same animal welfare or control organization;

2) The Director of the Metro Animal Services Department, or his/her designee, shall be a member;

3) The Chief of the Metro Louisville Police Department, or his/her designee, shall be a member;

4) The President of Greater Louisville, Inc., or his/her designee, shall be a member;

**C.** The terms of the Mayor's initial appointees shall be staggered so that the terms of three (3) members shall expire December 31, 2007, and the terms of three (3) members shall expire December 31, 2009. Thereafter, the Mayor's appointees shall be appointed for terms of three (3) years or until their respective successors shall be appointed.

**D.** The Mayor's appointees shall not require the approval of the Metro Council. The Mayor shall make his initial appointments within fourteen (14) days of the effective date of this ordinance.

**E.** The Board shall establish its own operating rules and procedures which shall not be inconsistent with this ordinance.

**F.** The members of the Board shall elect officers from the Board's membership who shall be a Chair, Vice-Chair, Secretary, and Treasurer and who shall serve for terms as provided by resolution of the Board. The Board may elect or appoint other officers as it deems necessary to carry out its functions and duties.

**G.** The Metro Animal Services Department shall provide staff support and all other necessary support to the Board.

**SECTION II.** This Ordinance shall take effect upon its passage and approval.

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**Kathleen J. Herron**  
**Metro Council Clerk**

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**Kevin J. Kramer**  
**President of the Council**

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**Jerry E. Abramson**  
**Mayor**

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**Approval Date**

**APPROVED AS TO FORM AND LEGALITY:**

**Irv Maze**  
**Jefferson County Attorney**

**BY:** \_\_\_\_\_

Ordinance No. \_\_\_\_\_, Series 2005

**AN ORDINANCE AMENDING SECTIONS 91.001 AND 91.999; AND ADDING NEW SECTIONS 91.0201, 91.0202, 91.0203, 91.0204, 91.0205 AND 91.0206 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO THE REGISTRATION, LICENSING, ENCLOSURE, AND RESTRAINT OF PIT BULL DOGS AND ROTTWEILER DOGS; REQUIRING OWNERS TO MAINTAIN INSURANCE; AND PRESCRIBING PENALTIES FOR VIOLATIONS**

**Sponsored By: Councilwoman Cheri Bryant Hamilton, 5<sup>th</sup> District  
Councilman Leonard Watkins, 1<sup>st</sup> District**

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS FOLLOWS:**

**SECTION I.** Sections 91.01 and 91.999 of the Louisville/Jefferson County Metro Government Code of Ordinances ["LMCO"] are hereby amended to read as follows:

**§ 91.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ANIMAL.*** Any living creature, domestic or wild, including livestock, poultry, pet rodents, pet birds and vermin.

***ANIMAL CONTROL or (ANIMAL CONTROL AND PROTECTION) or (DIVISION OF ANIMAL CONTROL AND PROTECTION) or (DIVISION).*** Louisville/Jefferson County Metro Government Department of Animal Services.

**ANIMAL CONTROL OFFICER.** Persons designated by the Metro Government as the primary enforcement officers of ordinances regulating animals and owners of animals, and for the enforcement of sections of the Kentucky Revised Statutes pertaining to the cruelty to animals.

**ANIMAL DEALER.** Any person engaging in the business of buying and/or selling any animal or animals for the purpose of resale to pet shops, research facilities, another animal dealer, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. (Persons buying or selling animals fit and destined for human consumption and person involved in the sale of an occasional litter or animal on a random basis are not included in this definition). Animal dealers are also subject to the provisions of §§ 91.0201, 91.0202, 91.050 through 91.062, and 91.078 of this chapter.

**ANIMAL\_DRAWN VEHICLE.** Vehicles with four or more wheels.

**ANIMAL SHELTER.** Any premises designated and/or operated by the Metro Government for the purpose of impounding and caring for animals held under authority of this chapter.

**APPROVED RABIES VACCINE.** Any vaccine approved as effective by the Kentucky Department for Human Resources for protecting an animal from contracting rabies.

**ATTACK.** An unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion, or bruising, or on a domestic animal that causes death or injury that requires veterinary treatment.

**BOARDING KENNEL or CATTERY.** Any establishment where dogs, cats, puppies, or kittens are kept for the purpose of boarding for any part of a 24\_hour period.

This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic, or recuperative purposes, or for grooming.

**BOARDING STABLE.** Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys or burros for the purpose of housing, feeding, riding, training, driving or riding lessons, whether gratuitously or for a fee and/or which advertises these services by the use of a sign, billboard or by placing an advertisement in newspapers, on bulletin boards or in any other publication excluding licensed pari\_mutuel facilities.

**BONA FIDE FARMING OPERATION.** The operation and maintenance of a farm, situated on ten contiguous acres or more of land used for the production of livestock, poultry, poultry products, dairy, dairy products, or horticulture products or for the growing of crops such as, but not limited to, tobacco, corn, soybeans and wheat.

**CAT.** Any domestic feline four months of age or older.

**CIRCUS.** A resident or non\_resident variety show which features animal acts. A circus shall not include resident or non\_resident dog and cat shows sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the American Cat Fanciers Association, the Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

**CLASS A KENNEL or CATTERY.** Any establishment where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, or selling such animals and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The Class A Kennel or Cattery license shall

apply to up to ten dogs or cats and shall require an additional Class A Kennel or Cattery license for each increment of up to ten dogs or cats.

**CLASS B KENNEL or CATTERY.** Any establishment where dogs, puppies, cats, or kittens are kept for the primary purpose of showing (including but not limited to field trial competition, hunting trial competition, herding, conformation, and obedience competition) and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The primary purpose shall be determined by verifying the participation of one or more of the housed animals in a sanctioned competition in the preceding 12 months. The license shall apply to up to ten animals. Animals in excess of ten shall be licensed individually.

**CLASS C KENNEL or CATTERY.** Any establishment where dogs or puppies are kept for the primary purpose of training for guard, sentry, field, obedience, whether gratuitously or for a fee. A Class C Kennel may also offer boarding services if the boarding occurs at the same location with no additional boarding kennel license required.

**CRUELTY.** Failing to provide adequate food and water; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions; infliction of pain, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or death by means of caustic, flammable, boiling, or heated substances; causing suffering, injury, or death by suffocation or drowning; failure to provide health related grooming.

**DANGEROUS ANIMAL.** Any warm\_blooded mammal which is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the Kentucky Department of Human Resources. A

dangerous animal includes any hybrid animal or any pet wildlife which has attacked a human or which is apprehended or observed un\_restrained.

***DANGEROUS DOG.*** Any dog, which when unprovoked, in an aggressive manner commits a severe attack on any person.

***DIRECTOR*** . The Director of the Louisville/Jefferson County Metro Government Department of Animal Services

***DOG.*** Any domestic canine four months of age or older.

***DOMESTIC.*** Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, and any animal which may be vaccinated against rabies with an approved rabies vaccine, and any animal which has an established rabies quarantine observation period.

***DWELLING UNIT.*** Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

***ENCLOSURES.***

***(1) ENCLOSURES FOR DOGS AND PUPPIES.***

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit

properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by the Division, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for a female in heat or for pit bull dogs or rottweiler dogs. An unrestrained dog(s) that attacks a dog restrained by this method may not be charged with being a POTENTIALLY DANGEROUS DOG as defined in this chapter.

(2) ***ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.*** Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least seven feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A "DANGEROUS DOG" sign prescribed the Division must be posted at the entry to the property.



**EXOTIC SPECIES.** Any animal born or whose natural habitat is outside the continental United States excluding non\_venomous reptiles and fish.

**HUMANE SOCIETY.** Any organization existing for the purpose of the prevention of cruelty to animals and incorporated under the laws of the Commonwealth of Kentucky.

**KITTEN.** Any domestic feline younger than four months of age.

**LICENSE FACILITY.** Any facility and/or business operation or person designated by the Metro Government pursuant to § 91.020 of this chapter to issue licenses required by this chapter and/or provide applications thereto.

**LIVESTOCK.** Horses, stallions, colts, geldings, mares, fillies, ponies, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits.

**METRO COUNCIL.** Legislative Council of the Metro Government.

**METRO GOVERNMENT.** Louisville/Jefferson County Metro Government.

**MICROCHIP.** A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by the Division.

**OCCASIONAL SALE.** Any sale of a single animal or a single litter of puppies, kittens or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a 12\_month period; except that any sale of a pit bull dog or a rottweiler dog shall not be deemed an occasional sale.

**OWNER.** Any person owning, keeping or harboring animals in Jefferson County.

**PERSON.** An individual, partnership, association, company, firm, business or corporation.

**PET BIRDS.** Any tamed or domesticated bird kept caged or within doors.

**PET RODENTS.** Hamsters, gerbils, wood\_chucks, mice or similar rodents which are kept as domesticated or tamed animals and which are kept caged or within doors at all times.

**PET SHOP.** Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals of any species for profit\_making purposes.

**PIT BULL DOG.** Means and includes any of the following dogs of any age:

- (1) The Staffordshire Bull Terrier breed of dogs; and
- (2) The American Staffordshire Terrier breed of dogs; and
- (3) The American Pit Bull Terrier breed of dogs; and
- (4) Dogs that have the appearance and characteristics of being predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier and that conform to the standards established by the American Kennel Club for Staffordshire Bull Terriers, American Staffordshire Terriers, or American Pit Bull Terriers.

**POTENTIALLY DANGEROUS DOG.**

- (1) Any dog which, when unprovoked, in an aggressive manner bites, scratches, or bruises any person.
- (2) Any unrestrained dog which, when unprovoked, bites, injures, or kills another domestic animal while that animal is restrained in compliance with this chapter.
- (3) Except as exempted in § 91.110(B).

**POULTRY.** All domesticated fowl and all game birds which are legally kept in captivity.

**PUPPY.** Any domestic canine younger than four months of age.

**QUALIFIED PERSON.** Any person granted a permit by the Division to vaccinate their own dogs or cats against rabies.

**QUARANTINE.** Humane confinement of an animal in a secure enclosure which enclosure prevents the animal coming into unplanned contact with any other animal or human being.

**REASONABLE HOURS.** The normal business hours of any establishment or business regulated by this chapter.

**RESTRAINT.**

(1) For all animals except puppies and dogs, RESTRAINT shall mean on the premises of the owner or, if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.

(2) For puppies and dogs, RESTRAINT shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under his/her direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person or, except for pit bull dogs and rottweiler dogs, accompanied by a responsible person into an enclosed "off-leash" area designated by the Kentucky Department of Parks and in conformance with all regulations and/or requirements imposed as a condition of utilizing such "off-leash" area by such Department of Parks, or its designee.

(a) It is prohibited to exclusively restrain a dog or puppy by a fixed\_point chain or tether. A fixed\_point restraint may be used temporarily but not to exceed one (1) hour in a twenty\_four (24) hour period.

(b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.

(c) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(d) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(e) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(3) In addition to the requirements of Section 2, above, under this definition, RESTRAINT for pit bull dogs and rottweiler dogs shall mean:

(i) that such dogs are at all times securely muzzled when off the premises of the owner. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or other animal; and

(ii) that owners of such dogs shall not allow the dog to be outside an enclosure as defined in this chapter unless the dog is confined to a secure cage, or is

chained, leashed, and is muzzled, and is under the control of a person physically able to restrain the dog.

~~(3)~~ (4) All livestock weighing more than 40 pounds, except horses, stallions, colts, geldings, mares, fillies, ponies, miniature horses, mules, jacks, jennies, goats, kids and sheep, must be kept on tracts or lots of at least .5 acres or more.

~~(4)~~ (5) Horses, stallions, colts, geldings, mares, fillies, mules, jacks and jennies must be kept on an individual tract, lot, or parcel (as defined in the Land Development Code) of at least one acre or more; except that the Louisville Zoo, the Louisville/Jefferson County Metro Police Department and the Kentucky Derby Museum shall be exempt from this requirement.

~~(5)~~ (6) All livestock shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. Livestock found not restrained by a fence in good repair and which present a threat to public safety may be removed and the owner charged with a violation of this section.

~~(6)~~ (7) All crowing and non-crowing poultry must be kept on tracts or lots of at least .5 acres or more, unless a tract or lot is on less than .5 acres and only houses five or less non-crowing poultry, and no more than one crowing poultry in accordance with the remainder of this subsection. All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

**ROTTWEILER DOG.** Means and includes any of the following dogs of any age:

(1) The Rottweiler breed of dogs; and

(2) The Rottie breed of dogs; and

(3) The German Rottweiler breed of dogs; and

(4) The American Rottweiler breed of dogs; and

(5) Dogs that have the appearance and characteristics of being predominantly of the breeds of dogs known as Rottie, Rottweiler, German Rottweiler or American Rottweiler, and that conform to the standards established by the American Kennel Club for Rottweilers, Rotties, German Rottweilers, or American Rottweilers..

**SECRETARY.** The Secretary of the Louisville/Jefferson County Metro Government Cabinet for Public Works and Services.

**SEVERE ATTACK.** An unprovoked attack in an aggressive manner upon a human in which the victim suffered a bite(s) or was shaken violently, and which caused serious physical trauma or death.

**THEATRICAL EXHIBITION.** Any exhibition or act featuring performing animals. Such exhibitions shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof nor shall it include any primary horse show.

**UNFIT FOR PURCHASE.** Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this chapter, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such

condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

**VACCINATIONS.** The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Kentucky State Board of Health.

**VETERINARIAN.** A licensed practitioner of veterinary medicine, accredited by the Kentucky Board of Veterinary Examiners.

**VETERINARY HOSPITAL.** Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

**WILDLIFE.** Any animal which occurs naturally in a wild state. This includes any animal which is part wildlife.

**ZOOLOGICAL GARDEN.** Any park or zoo operated by a person or private corporation, but excluding any governmental agency or foundation..

#### **§ 91.999 PENALTY.**

(A) Any person violating any of the following provisions: §§ 91.007, 91.009, 91.0201, 91.0202, 91.0204, 91.0205, 91.037, 91.050 through 91.054, 91.056, 91.058 through 91.060, 91.098, or 91.110 shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed \$500 or be imprisoned for a period not to exceed 12 months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(B) Except as provided in subsection (A) directly above, any person violating any other provision of this chapter shall be deemed guilty of up to a Class B misdemeanor and may be punished up to a \$250 fine or imprisoned for a period not to exceed 90 days in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(C) Any person found guilty of owning a dangerous dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that judge the severe attack warrants such action.

(D) Any person found guilty of owning a potentially dangerous dog or dangerous dog, shall be fined not less than \$250 and shall have the dog spayed, or neutered within seven days of that finding. Proof of the surgery must be provided to the Division within 24 hours of its performance.

(E) Any person found guilty of owning a potentially dangerous dog or dangerous dog, in addition to any other penalties or stipulations imposed, shall within seven days of that finding also have the dog implanted with a microchip identification. Within seven days of that implantation, the owner shall present the animal to the Division for scanning and verification of the microchip and identification number.

(F) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of §§ 91.0201, 91.0202, 91.0204, 91.0205, 91.050 through 91.061 and 91.098 shall also be required to relinquish ownership of the animal(s) to the Metro Government immediately upon that conviction.

(G) Any person found guilty of violating the provision of § 91.120 shall be fined not less than \$50 nor more than \$250 for each offense



**SECTION II.** New Sections 91.0201, 91.0202, 91.0203, 91.0204, 91.0205 and 91.0206 of the LMCO is hereby enacted as follows:

**§ 91.0201. REGISTRATION AND SPECIAL LICENSING OF PIT BULL DOGS AND ROTTWEILER DOGS; INSURANCE REQUIREMENTS.**

(A) No person shall own or possess, or buy, sell, or trade, or otherwise transfer ownership or possession of a pit bull dog or a rottweiler dog which has not been registered or licensed pursuant to this section.

(B) No person shall own, or be in possession of a pit bull dog, or a rottweiler dog without maintaining the insurance coverage pursuant to Section 91.0201(C)(3).

(C) The owner, or any person in possession of every pit bull dog and a rottweiler dog born or brought into Jefferson County shall register that dog with the Division on a form provided by the Division. No pit bull dog or rottweiler dog shall be licensed pursuant to LMCO 91.0201(A) until that dog has been properly registered with the Division. As a condition of initial registration, as well as each annual renewal, the Division shall require the owner of the pit bull dog or a rottweiler dog to furnish the following:

(1) The name and address of the owner; or person in possession; and

(2) The location[s] where the pit bull dog or the rottweiler dog will be kenneled or housed; and

(3) A certificate of insurance with an insurance company licensed to do business within the Commonwealth of Kentucky; which provides:

(a) third party liability coverage protecting the public from death or injury by the pit bull dog or the rottweiler dog with a limit of liability no less than \$500,000; and

(b) an endorsement which requires the insurer to notify the Division in the event that the policy should lapse or be cancelled.

(D) Registration required under this section shall be renewed annually, either electronically or by mail, as the Division shall provide by regulation.

(E) The registered location[s] of any pit bull dog or any rottweiler dog shall not be changed for any period in excess of three (3) days without notification to the Division by means which Division shall provide by regulation.

(F) The owner or person in possession of any pit bull dog or any rottweiler dog shall not be changed without immediate notification to the Division by means which the Division shall provide by regulation.

(G) The Division may charge the following fees in connection with the registration of pit bull dogs and rottweiler dogs:

(1) For initial registration: \$100

(2) Annual renewal of registration: \$25

(3) Notification of change of location or ownership: \$10

(F) Law enforcement agencies and officers shall be exempt from the registration and licensing requirements of this Section 91.0201.

(G) Owners of pit bull dogs and rottweiler dogs shall have ninety (90) days from the effective date of this ordinance to comply with this section 91.0201.

**§ 91.0202. PIT BULL DOGS AND ROTTWEILER DOGS TO BE ENCLOSED OR UNDER RESTRAINT.**

(A) Pit bull dogs and rottweiler dogs shall at all times be kept and maintained:

(1) In a proper enclosure as defined in this chapter; or

(2) Under restraint as defined in this chapter.

(B) Law enforcement agencies and officers shall be exempt from the requirements of this Section 91.0202.

### **§ 91.0203. PIT BULL DOGS AND ROTTWEILER DOGS AS DEFINED DANGEROUS DOGS OR POTENTIALLY DANGEROUS DOGS**

Pit bull dogs and rottweiler dogs are, in addition to the requirements of Sections 91.0201 and 91.0202, subject to all the provisions of Section 91.110 of this chapter relating to dangerous dogs and potentially dangerous dogs.

### **§ 91.0204. TRAINING OF PIT BULL DOGS OR ROTTWEILER DOGS FOR FIGHTING PROHIBITED**

No person, including an owner, shall possess, harbor, or maintain in his/her/its care, custody, or control, a pit bull dog or a rottweiler dog for the purpose of fighting, nor train, torment, badger, bait, or use any pit bull dog or a rottweiler dog to attack human beings or other animals.

### **§ 91.0205. ADDITIONAL REQUIREMENTS FOR CONFINING PIT BULL DOGS AND ROTTWEILER DOGS**

A. In addition to the requirements of Section 91.01 where it defines ENCLOSURE and RESTRAINT, pit bull dogs and rottweiler dogs may not be kept on any porch or patio or in any part of a house or structure which would allow any such dog to exit an enclosure

on its own volition. In addition, pit bull dogs and rottweiler dogs shall not be kept in a house or structure where window screens or door screens are the only barrier to any such dog exiting an enclosure on its own volition.

B. In addition to the requirements of Section 91.01 where it defines ENCLOSURE, fences and structures designed to confine pit bull dogs and rottweiler dogs shall be constructed no less than one foot under ground level. Any such fence or structure shall be securely closed and locked, and shall be designed to prevent the entry of children.

#### **§ 91.0206 DETERMINATION OF BREED BY THE DIVISION OF ANIMAL CONTROL AND PROTECTION.**

A. In the event that any owner or person in possession of a dog which another person or an Animal Control Officer has identified as a pit bull dog or a rottweiler dog contests such identification, the determination of the dog's breed for purposes of this ordinance shall be made by the Director upon application by the aggrieved owner. Such a determination shall constitute a rebuttable presumption that the dog is a pit bull dog or a rottweiler dog.

B. An appeal of the Director's determination may be made to the Secretary within three days after the Director's determination in accordance with procedures promulgated by the Secretary. The Secretary's decision on appeal shall be final for all purposes under this ordinance.

C. At the time the Director makes a determination under this section, he/she shall advise the applicant, in writing, of the applicant's rights to appeal and the procedures for taking an appeal.

**SECTION III.** This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
Kathleen J. Herron  
Metro Council Clerk

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Dr. Barbara E. Shanklin  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_

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